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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,095	11/27/2001	Leroy Andrew Gibson JR.	907A.0018.USU	9599
29683	7590	03/27/2006	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			KIM, KEVIN	
			ART UNIT	PAPER NUMBER
			2611	
DATE MAILED: 03/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,095

Applicant(s)

GIBSON ET AL.

Examiner

Kevin Y. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 20 and 21 is/are allowed.
- 6) ☒ Claim(s) 8-10 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 11-16 and 22-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed January 9, 2006, with respect to the rejection(s) of claim(s) 8-10,17-19 under 35 USC 102/103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Iwamatsu (US 6,707,846).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 8, 9 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Iwamatus (US 6,707,846).

Iwamatus discloses a device comprising;

a channel DSSS despreader (41) for providing at least two in-phase channels

(I_{00}, \dots, I_{63}) and at least two quadrature channels (Q_{00}, \dots, Q_{63});

at least one I-synch processor (53), coupled to the channel despreader;

at least one Q-synch processor (53), coupled to the channel despreader;

an address controller (48), coupled to the I-synch processor and the Q-synch processor;

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a first summer (35) connected to the I-synch processor and the Q-synch processor;
and

a comparator (36) coupled to the first summer.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamatus as applied to claim 8 above respectively.

Iwamatus discloses all the subject matter claimed, as explained above, except for the channel spreader to be frequency hopped spread spectrum type. However, it is well established in the art that direct sequence spread spectrum (DSSS) and frequency hopped spread spectrum (FHSS) are alternative technologies and thus would have been an obvious matter of design choice to one skilled in the art at the time the invention was made, lacking criticality of employing FHSS as opposed to DSSS in a receiver as disclosed by Iwamatus.

6. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamatus as applied to claim 17 in view of Rhodes et al (US 5,909,437 previously cited).

Iwamatus disclose all the subject matter claimed, as explained above, except for the device being implemented in ASIC or FPGA. Rhodes et al describes that ASIC or FPGA is used to implement a depsreader, see col. 16, lines 31-38. Thus, it would have been obvious to one skilled in the art at the time the invention was made to implement the receiver of Iwamatus

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with ASIC or FPGA for the purpose of taking advantage of know benefits of ASIC or FPGA implementation such as application specific design and programmability.

Allowable Subject Matter

7. Claims 1-7, 20 and 21 are allowed.
8. Claims 11-16, 22-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y. Kim whose telephone number is 571-272-3039. The examiner can normally be reached on 8AM --5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammed Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 17, 2006

Kevin Kim 3/17/06
KEVIN KIM
PATENT EXAMINER